



June 21, 1999

Mr. Robert L. Kane  
Public Information Administrator  
University of Texas System  
601 Colorado Street  
Austin, Texas 78701-2982

OR99-1709

Dear Mr. Kane:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125067.

The University of Texas System (the "system") received two requests for all information "that pertain[s] to salary compensation for classified staff at any or all system institutions," and a "copy of any survey(s) of faculty and staff salaries describing salaries at UT system campuses around the state and describing the relation of UT salaries to the local markets." You indicate that you will release most of the requested information, including "job inventory forms, RFP for salary study information regarding focus groups, System Wide Pay Plan, [and] System Administration Classification Pay Plan." You have also released certain memoranda and a telephone survey. You contend, however, that one category of information prepared and submitted to the system by the W.F. Carroon Organization is excepted from disclosure by section 552.111 of the Government Code. The documents consist of the "draft working papers to be used for discussion concerning the implementation of uniform pay plan including: Employee salary analysis, employee salary analysis (outliners), job code salary analysis summary, confidential draft working papers, and other salary information in several iterations based on percentile rankings." You also state that a "draft study of a salary analysis that was not used as the basis for the final salary pay plan" is also excepted from disclosure by section 552.111. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.111 excepts "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993), this office reexamined the predecessor to the section 552.111 exception in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ), and held that section 552.111 excepts only those internal

communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. An agency's policymaking functions, however, do not encompass internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. Open Records Decision No. 615 at 5-6 (1993). In addition, section 552.111 does not except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. *Id.* at 4-5.

You argue that the study and its recommendations for how each job position should be rated comes under the protection of section 552.111 because

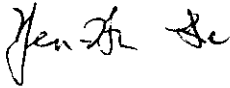
the information includes advice, recommendations and opinions on matters involving the agencies [sic] policy with respect to salaries of employees of the System. The development of a comprehensive salary plan for the entire University system is not information that pertains solely to the internal administrative or personnel matters. They are rather opinions of the consultant which were requested to provide the information as well as advice and recommendation for the University to use in future action.

Again, you also represent that the draft study of salary analyses was not used as the basis for the final salary pay plan. In Open Records Decision No. 631 (1995), this office concluded that the policymaking functions of a governmental body include an outside consultant's advice, recommendations, and opinions regarding administrative and personnel matters of broad scope that affect the governmental body's policy mission.

After examining your arguments and the submitted information, we find that most of the material may be withheld because it contains internal recommendations and opinions regarding administrative and personnel matters of broad scope that affect the system's policy mission. We conclude that you have established the applicability of section 552.111 for the recommendation of the salary calculation methodology and how each job position should be rated on the identified tables. A portion of the documents, however, relates entirely to a particular employee and the job description of the position occupied by that employee. We do not believe that this material is protected by section 552.111. *See Garland v. Dallas Morning News*, 969 S.W.2d 548, 557 (Tex. App.--Dallas 1998, pet. requested) (citing *Lett v. Klein Indep. Sch. Dist.*, 917 S.W.2d 455, 457 (Tex. App.--Houston [14th Dist.] 1996), *writ denied per curiam*, 41 Tex. Sup. Ct. J. 575 (1998) (documents relating to specific employee do not relate to the making of new policy but merely implement existing policy)). In addition, other portions of the documents consist of factual information that is not excepted from public disclosure by section 552.111. We have marked the information that must be released. The remaining information may be withheld.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL\nc

Ref: ID# 125067

Encl: Marked documents

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